



Practitioner's Docket No. 55675 RCE (70551)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant's application of:
Application No.:
Filed:
For:

J. Nakajima, et al.
09/800,082
March 5, 2001
OPTICAL DISK HAVING PITS OF DIFFERENT DEPTHS FORMED
THEREIN, OPTICAL DISK REPRODUCING APPARATUS FOR
REPRODUCING THE OPTICAL DISK, AND METHOD OF TRACKING THE
OPTICAL DISK

Group No.: 2653 ✓

Examiner: Tran, Thang V.

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JUN 24 2004

Technology Center 2600

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 (Express Mail Label No. EV 438974546 US), and is addressed to the Mail Stop RCE Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450 on June 18, 2004.

Kathryn A. Grindrod
Kathryn A. Grindrod

REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C.F.R. 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

TIME REQUEST IS BEING MADE

2. This request is being submitted (*check appropriate item(s) below*):

- i. Prior to abandonment of the application
- ii. Payment of the issue fee
 - Prior to payment of issue fee
 - Issue fee has been paid but a petition under Section 1.313 has been granted

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01 FC:1801 770.00 OP
02 FC:1202 126.00 OP
03 FC:1201 86.00 OP

Match and Return

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- iii. [] Prior to a decision on appeal to the Board of Patent Appeals & Interferences
 [] A notice is being separately sent to the Board of Patent Appeals &
 Interferences that this Request for Continued Examination is being filed.
- iv. [] Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145
 [] Commencement of a civil action under 35 U.S.C. 146
 [] Prior to the filing of such appeal or commencement of civil action
 [] Such appeal or commencement of civil action has been terminated

ENCLOSURES

3. Enclosed herewith is/are:

- [X] An information disclosure (37 C.F.R. Section 1.98)
 [X] Form PTO-1449 (PTO/SB/08A and 08B)
- [] An amendment
- [] New arguments
- [] New evidence in support of patentability-
- [] Other:

FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).

4. This application is on behalf of:

[] Small entity (and status is still as small entity)	\$385.00
[X] Other than a small entity	\$770.00
Continued Prosecution Request Fee	<u>\$ 770.00</u>

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FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3) SMALL ENTITY			OTHER THAN A SMALL ENTITY		
Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	OR	Rate	Addit. Fee
Total	27	Minus	20	= 7	x \$ 9 \$0	x \$18 =	\$126.00
Indep.	4	Minus	3	=1	x \$42 = \$0	x \$84 =	\$ 84.00
[] First Presentation of Multiple Dependent Claim				+ \$140 = \$0		+ \$280 =	\$
							Total Addit. Fee \$210.00

(complete (c) or (d), as applicable)

(c) [] No additional fee is required.

OR

(d) [X] Total additional fee required is \$ 210.00.

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EXTENSION OF TIME

(If an extension of time is appropriate complete (a) or (b), as applicable)

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

- (a) [] Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

<u>Extension for (months)</u>	<u>Fee for small entity</u>	<u>Fee for other than small entity</u>
[] one month	\$ 55	\$ 110
[] two months	\$ 210	\$ 420
[] three months	\$ 475	\$ 950
[] four months	\$740	\$1,480
	Fee	\$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- [] An extension for _____ month has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) [X] Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

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TOTAL FEE(S) DUE

WARNING: *The fee for continued examination under Section 1.114 may not be deferred. 37 C.F.R. Section 1.53(f).*

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e))	\$ <u>770.00</u>
Fee(s) for additional claims (if any) (Section 1.16(b)-(d))	\$ <u>210.00</u>
Extension of time fee (if any) (Section 1.17(a)(1)-(4))	\$ _____
Total Fee(s) Due:	\$ <u>980.00</u>

PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

<input checked="" type="checkbox"/> Check is attached for the sum of	\$ <u>980.00</u>
<input type="checkbox"/> Charge Account <u>04-1105</u> the sum of	\$ _____
<input type="checkbox"/> Charge Credit Card the sum of (Credit Card Payment Form (PTO-2038) attached.)	\$ _____

Please charge any required additional fee(s) for Section 1.17(e), Section 1.16(b)-(d) and/or Section 1.17(a)(1)-(4) to

Account 04-1105.
 Credit Card (Credit Card Payment Form (PTO-2038) attached.)

INVENTORSHIP

9. This application as amended names as inventors:

the same inventors as previously designated for the claims.
 fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.

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- a person not named previously as an inventor and a petition under 37 C.F.R. Section 1.48
is/has separately:
 being filed
 been filed

Date: June 18, 2004

David A. Tucker
SIGNATURE OF PRACTITIONER

Reg. No. 27,840

David A. Tucker
(type or print name of practitioner)
Attorney for Applicant(s)

Tel. No.: (617) 517-5508

Edwards & Angell, LLP
P.O. Box 55874
P.O. Address

Customer No.: 21874

Boston, MA 02205

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